

CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

LOCAL ASSISTANCE MANUAL

A guide for the development of local programs in order
to comply with the Chesapeake Bay Preservation Act.

NOVEMBER 1989

PREFACE

The Chesapeake Bay Local Assistance Department has prepared this Local Assistance Manual for use by local governments in the development of local programs under the Chesapeake Bay Preservation Act.

The first installment of this Manual (Chapters I, II, and III) focuses upon methods and techniques for inventory, mapping, and designating Chesapeake Bay Preservation Areas for the protection of water quality in the Bay region. It is based upon the use of existing, readily available data resources.

Recognizing that the local jurisdictions under this program have different levels of available mapping resources and planning capabilities, the Manual provides basic guidance for beginning an analysis of sensitive lands and program development. For some local governments with highly advanced inventories and planning capabilities, this installment of the Manual may prove more useful as a discussion of regulatory intent than as an organizational guidebook.

This Manual is intended to be a dynamic document, responsive to the changing knowledge, techniques, and needs of local governments. It can and will be updated and supplemented over time. This work has been

prepared as a tool for the end-users, local governments and the Chesapeake Bay Local Assistance Department invites suggestions for improving its utility.

Certain terms used throughout this document have desired and distinctive meanings. "Board" means the "Chesapeake Bay Local Assistance Board", "Department" means the "Chesapeake Bay Local Assistance Department", and "Criteria Regulations" or "Regulations" may be used interchangeably and refer to the "Chesapeake Bay Preservation Area Designation and Management Regulations."

TIDEWATER VIRGINIA



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INTRODUCTION

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The Virginia General Assembly has enacted a number of initiatives to protect and restore state waters, ranging from incentive programs to specific delegation of authority to local governments. The most significant of these is the Chesapeake Bay Preservation Act, which serves to greatly expand local police powers and provide a means of better utilizing state resources in that effort.

Title 15.1 of the Code of Virginia contains a number of delegated authorities to local governments. In Section 15.1-446.1, the General Assembly called for comprehensive plans to guide and accomplish "coordinated, adjusted and harmonious development" for the general welfare of the area's residents, including the designation of areas for conservation, floodplain and drainage, sewage disposal, and groundwater protection measures.

Section 15.1-466 also requires subdivision ordinances to provide regulations for drainage and flood control and the installation of sewerage.

Section 15.1-489, relating to zoning ordinances, is even more explicit, authorizing zoning ordinances to "include reasonable provisions ... to protect surface water and groundwater." The following section (15.1-490) provides further that conservation of natural resources shall be a consideration in the drawing and application of zoning ordinances and districts.

The Chesapeake Bay Preservation Act establishes a more specific relationship between water quality protection and local land use authority, stating in Section 10.1-2108:

"[c]ounties, cities, and towns are authorized to exercise their police and zoning powers to protect the quality of state waters consistent with the provisions of this chapter." The Criteria Regulations adopted pursuant to the Act draw heavily upon the powers conferred to local governments and seek to build on the foundation of other state water quality protection initiatives.

Thus the General Assembly has encouraged local governments to make full use of the significant expansion of authority and responsibility conferred by the Act and Title 15.1. Water quality protection is to be more closely considered in land use decisions, policy, and ordinances.